

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PETER ANTHONY REALE,
ANNE L. REALE, and
RAYMOND PETER REALE,

Plaintiffs,

v.

Case Number 02-10109-BC
Honorable David M. Lawson

McDONALD'S RESTAURANT

Defendant.

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ORDER DENYING PLAINTIFF'S SECOND MOTION FOR RECONSIDERATION

This matter is before the Court on an affirmation by plaintiff Peter Anthony Reale. Although it is not entirely clear what remedy the plaintiff seeks, the Court will construe the affirmation [dkt # 36] as a motion for reconsideration of the Court's September 25, 2003 order denying the plaintiffs' previous motion for reconsideration.

Under the Local Rules for the Eastern District of Michigan, when requesting reconsideration "[t]he movant must not only demonstrate a palpable defect by which the court and parties have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. L.R. 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable or plain. *Marketing Displays, Inc. v. Traffix Devices, Inc.*, 971 F. Supp. 262, 278 (E.D. Mich. 1997) (citing Webster's New World Dictionary 974 (3d ed. 1988)). The Local Rules also provide that "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. Mich. L.R. 7.1(g)(3).

There is no rule allowing a party to file a motion for reconsideration of an order denying a motion for reconsideration. In addition, the plaintiffs have not presented any arguments in support of reconsideration. The affirmance amounts to nothing more than a disagreement with the Court's

prior ruling. A motion predicated on such an argument is an insufficient ground for a motion for reconsideration. E.D. Mich. L.R. 7.1(g)(3); *see also Meekison v. Ohio Dep't of Rehab. and Corr.*, 181 F.R.D. 571, 572 (S.D. Ohio 1998). Therefore, this Court must deny the motion for reconsideration.

Accordingly, it is **ORDERED** that the plaintiff's motion for reconsideration [dkt # 36] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 15, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 15, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS